

Appln. No.: 10/675,362
Reply to Office Action dated 7/14/2004

Remarks

In this amendment, claims 1, 7, 9, 11, 17, and 19 have been amended. Claims 2-6, 8, 12-16, and 18 have been cancelled. Claims 1, 7, 9-11, 17, 19, and 20 are pending in this application.

Applicants request that the Examiner comply with MPEP 707.07(g) and avoid further piecemeal examination. In the previous office action, only double patenting rejections were asserted. To expedite examination, Applicants easily overcame these rejections with a terminal disclaimer. Now, the Examiner has asserted new anticipation and obviousness rejections. The subject matter of these new rejections overlaps with the double patenting rejections such that they should have been considered together, and applicants may have decided to traverse the double patenting rejections along with the prior art rejections. Thus, in addition to delay, the present piecemeal examination has caused Applicants to unnecessarily disclaim patent term and to pay fees.

§102 Rejections

Claims 1, 8, 11, and 18 were rejected as being anticipated by U.S. Patent 6,361,163 to Fowlkes ("Fowlkes"). Claim 1 has been amended to include the subject matter of claims 2-6 and claim 11 has been amended to include the subject matter of claims 12-16. Accordingly, it is submitted that the §102 rejections are no longer applicable, and that the subject matter of the amended independent claims 1 and 11 is addressed in the §103 remarks below. Claims 8 and 18 have been cancelled. In view of these amendments and comments it is submitted that the § 102 rejections may be withdrawn.

§103 Rejections

Claims 2-7, 9, 10, 12-17, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fowlkes in view of U.S. Patent 5,829,895 to Hayashi ("Hayashi"). Independent claim 1 has been amended to include features of claims 2-6 and claim 11 has

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been amended to include features of claims 12-16. Accordingly, these independent claims will be distinguished in connection with these §103 rejections.

As amended, independent claims 1 and 11 are directed to an aspect of the invention which allows mail pieces to be processed at very high speeds using an ink jet printing mechanism. Specifically, claim 1 recites:

the controller further switching to a second of the upstream or downstream print heads when the first one undergoes an ink jet maintenance operation; wherein the controller periodically takes the print head that is in use out of service to perform maintenance operations; whereby the maintenance operations are a print head wipe or a print head purge and whereby subsequent to a maintenance operation the first print head is in a condition to return to service.

Claim 11 recites:

periodically removing the print head that is in use out of service and performing maintenance operations on the print head, the maintenance operations comprising a print head wipe or a print head purge;

switching to a second of the upstream or downstream print heads for printing when the first one is removed for maintenance operations; and

returning the print head removed from service back into service after performing the maintenance operations.

Neither Fowlkes, nor Hayashi, disclose or suggest these features of the amended independent claims. In one embodiment, Fowlkes describes a system with two print heads. Col. 7, lines 34-44. In that embodiment Fowlkes describes that "if one print head . . . malfunctions and is taken out of service, the other print head may be used to print on receivers 30/40 by suitably operating controller 220." In claims 1 and 11, the recited maintenance operation is not a malfunction of the print head, rather it is part of routine operation. In Fowlkes, the malfunctioning print head is not "in a condition to be returned to service," as recited in amended claim 1. The recited claims require that both ink jet print heads be operable to handle printing while the other one is undergoing a routine maintenance operation. Accordingly, it is submitted that Fowlkes does not suggest or disclose these recited features.

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Hayashi does not cure this deficiency of Fowlkes. Hayashi describes a system having a single ink jet print head. Hayashi does describe wipe and purge operations used by ink jet print heads, however the Hayashi system is a slow speed system that operates by manual feeding. Therefore, the time required for wipe and purge operations on the print head are not significant in Hayashi, and the problem solved by the present invention is never an issue. As such Hayashi does not disclose using more than one print head, and correspondingly, there is not description of switching between print heads during a maintenance operation.

Accordingly, it is respectfully submitted that independent claims 1 and 11 along with their dependent claims 7, 9-11, 17, 19, and 20 should be found allowable in view of these arguments presented above.

Conclusion

In view of the amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,



Michael J. Cummings
Reg. No. 46,650
Attorney of Record
Telephone (203) 924-3934

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000